

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

Appeal No. 8828 B. Frank Joy Co., Inc., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Harps and Mr. Hatton dissenting, the following Order was entered at the meeting of the Board on July 18, 1966.

EFFECTIVE DATE OF ORDER -- September 9, 1966

ORDERED:

That the appeal for a variance from the provisions of Section 3301.1 requiring 900 square feet per unit in conversion of dwelling into 4-unit apartment at 612 East Capitol Street, lot 809, square 868, be granted.

FINDINGS OF FACT:

- (1) Appellant's property is located in an R-4 District.
- (2) Appellant's lot has a frontage of 20.25 feet on East Capitol Street, a depth of 102.58 feet at the west lot line which moves east for 9.25 feet and south of 25.80 feet, the rear or north lot line is 10.875 feet, and the east lot line extends for a depth of 128.08 feet. The lot contains approximately 2,350 square feet of land.
- (3) The lot is improved with a three story row brick dwelling having an English basement. There is a coachhouse at the rear of the dwelling. There are four baths in the building.
- (4) Appellant proposes to use the dwelling as four two-bedroom apartments. The coachhouse will be used to park two automobiles and to provide a garbage enclosure.
- (5) On one side of appellant's lot is a sixteen (16) unit apartment building and on the other side is a rooming house. Within three hundred feet of appellant's property is St. Cecilia's High School and other apartments and rooming houses.

(6) Appellant states that the property was previously used as a multi-family dwelling or a rooming house. A certificate of occupancy was issued for a multi-family building but was never picked up because there was some defect in the plumbing.

(7) The size of the lot is less than required by the Zoning Regulations in the R-4 District, which requires 3,600 square feet of land in order to convert to four apartment units.

(8) No opposition to the granting of this appeal was registered at the public hearing. The Capitol Hill Southeast Citizens Association and the Capitol Hill Restoration Society favor the granting of this appeal. The Capitol Hill Community Council, Inc. opposes the granting of this appeal.

OPINION:

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Regulations and that a denial of the request will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

We are further of the opinion that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Reference is made to the Opinion of the Board forming part of the Order in Appeal Number 8631 for a statement of the reasons of the majority of the Board for granting of this and similar appeals.

Mr. Hatton's reasons for dissenting are the same as stated in Appeal No. 8810.